

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Saiko HOSOKAWA et al.

Serial No. 09/467,903

Filed December 21, 1999



Attorney Docket No. 00177/530714

Group Art Unit 1644

Examiner R. Schwadron

HUMAN MONOClonAL ANTIBODY
SPECIFICALLY BINDING TO SURFACE
ANTIGEN OF CANCER CELL MEMBRANE

TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

The owner, Mitsubishi Chemical Corporation, of 100% interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

United States Patent No. 5,264,221, as presently shortened by any terminal disclaimer, and any patent granted on Application Serial No. 08/450,363 are hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 5,264,221, and any patent granted on Application Serial No. 08/450,363, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend the expiration date of the full statutory

term as defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection in the event that United States Patent No. 5,264,221, as presently shortened by any terminal disclaimer, or any patent granted on Application Serial No. 08/450,363 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 35 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned is an attorney of record.

June 27, 2000

By:


Lee Cheng, Reg. No. 40,949

Terminal disclaimer fee under 37 C.F.R. 1.20(d) is included.

LC/gtn
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